

JUL 10 2003

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

CATHY A. CATTERSON
U.S. COURT OF APPEALS

CLIFFORD B. THOMAS,

Petitioner - Appellant,

v.

ROY A. CASTRO, Warden,

Respondent - Appellee.

No. 01-56797

D.C. No. CV-00-10989-LGB

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Lourdes G. Baird, District Judge, Presiding

Submitted July 7, 2003**
Pasadena, California

Before: **KOZINSKI, FERNANDEZ and RYMER**, Circuit Judges.

The district court did not err in dismissing the petitioner's habeas corpus
petition with prejudice. Appellate counsel's decision not to raise on appeal the

* This disposition is not appropriate for publication and may not be cited to or
by the courts of this circuit except as provided by Ninth Circuit Rule 36-3.

** This panel unanimously finds this case suitable for decision without oral
argument. See Fed. R. App. P. 34(a)(2).

trial court's denial of a continuance did not fall "below an objective standard of reasonableness." Strickland v. Washington, 466 U.S. 668, 688 (1984). Because the trial court has considerable discretion with respect to granting continuances, United States v. Tham, 960 F.2d 1391, 1396 (9th Cir. 1991), and fully supported its ruling denying the continuance, appellate counsel reasonably could have believed this argument would be unsuccessful.

AFFIRMED.